THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P.M.P.No. 30383 of 2006
in
Writ Petition No. 23732 of 2004

Dated: 20.11.2006

Between:

D.N. Reddy, S/o late Ranga Reddy, aged about 45 years, Occ: Driver, E.No.106419, R/o Manasanagar, Suryapet, Nalgonda District.

.... PETITIONER

AND

The Regional Manager (HCR), APSRTC, J.B.S., Secunderabad and others.

.....RESPONDENTS

ON BEING MENTIONED

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P.M.P.No. 30383 of 2006
in
Writ Petition No. 23732 of 2004

Order:

This petition is filed stating that there are certain typing mistakes in the order dated 12.10.2006 in W.P. No. 23732 of 2004 and praying the Court to rectify the same and to issue corrected copy of the order.

Heard the learned counsel for the petitioner, learned Standing Counsel for the respondents-Corporation and perused the order dated 12.10.2006.

The typographical errors pointed out in W.P.M.P. No. 30383 of 2006 are genuine. Hence, the W.P.M.P is allowed and the order dated 12.10.2006 passed in W.P. No. 23732 of 2004 is recalled, and now the writ petition is disposed of with the following order:

The petitioner is employed as a Driver in APSRTC. He was issued a charge sheet, dated 27.11.1992, alleging that the bus driven by him met with an accident on 23.10.1992. He was asked to submit his explanation, as to why necessary disciplinary action shall not be taken against him, for which he submitted explanation denying the charges framed against him. Thereafter, an enquiry was conducted, and based on the said enquiry report, respondent No.2, without furnishing copy of enquiry report and without issuing any show cause notice to the petitioner, passed the impugned order imposing punishment of withholding the annual increment for a period of two years with

cumulative effect. Aggrieved by the same, the petitioner preferred an appeal before respondent No.1, which was rejected, by order dated 28.04.1994. Hence, he filed the present writ petition.

Learned counsel for the petitioner submits that respondent No.2, without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away issued the impugned proceedings imposing punishment of deferment of annual increment for a period of two years with cumulative effect. He further submitted that the issue raised in this writ petition is squarely covered by the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005.

Learned Standing Counsel for the respondents-Corporation admitted the same. He, however, opposed the relief contending that after considering the entire material on record, the impugned order was passed, and no interference is called for therewith.

In the instant case, though an enquiry was conducted, the impugned proceedings were passed imposing punishment of withholding the annual increment for a period of two years with cumulative effect without furnishing copy of enquiry report and without issuing any show cause notice to the petitioner. Hence, the issue raised in the present writ petition is squarely covered by the orders of this Court in W.P. 18299 of 2005, dated 05.09.2005. The operative portion of the said order, reads as under:

> *"Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment.*
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> *The writ petition is accordingly disposed of. There shall be no order as to costs."*

Hence, following the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005, the present writ petition is also disposed of with the following directions:

The impugned order dated 03.10.1993, passed by respondent No.2, imposing punishment of stoppage of annual increment for a period of two years with cumulative effect, is modified to that of stoppage of annual increment without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 20.11.2006
Tvk/Nsr